

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:07CR97**

**KEITH B. WHALEY AND CASEY SMITH**

**ORDER**

This cause is before the Court on a Motion for Continuance [53] by defendant Keith B. Whaley. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for September 24, 2007. Counsel for defendant avers that he has had insufficient time to devote to trial preparation in his trial obligations in other matters. Accordingly, defense counsel seeks a continuance to permit him an adequate opportunity to confer with his client and to plan an appropriate defense. Based on the foregoing, the Court finds that the defendant's Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from September 24, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS, THEREFORE, ORDERED AND ADJUDGED that**

1. Defendant Whaley's Motion for Continuance [53] is GRANTED;
2. That the trial of this matter is continued as to defendants Keith B. Whaley and Casey Smith until Monday, October 29, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from September 24, 2007 until October 29, 2007 is excluded as set out above;
4. That the deadline for filing pretrial motions is October 9, 2007;
5. That the deadline for submitting a plea agreement is October 15, 2007.

SO ORDERED, this the 6<sup>th</sup> day of September, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE